

Minutes

Board of County Commissioners Hyde County

June 15, 2009

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, June 15, 2009 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Tom Davis, Sharon Spencer, and Barry Swindell; County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioner Gene Ballance, Deputy Clerk Jamie Tunnell; and members of the public.

Following the pledge of allegiance and opening prayer by Commissioner Ballance the meeting was called to order.

Agenda:

Chairman Davis asked for any changes to the June 15, 2009 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to add Item III.E. – Resolution of Appreciation – Earl O’Neal; Item IV.B. – Appointments – Board of Health; Item V.C. – Stimulus Grant – Ocracoke; and VI.C. – Closed Session - Personnel. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Hearing no objection, Chairman Davis added to the Agenda Item III.C. – Appointment – Merita Spencer, Register of Deeds; and Item III.D. – Ocracoke Airport Advisory Committee.

Consideration of Minutes:

Chairman Davis asked for approval of meeting minutes.

Commissioner Spencer moved to approve the June 1, 2009 meeting minutes as presented by the Clerk. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Special Presentation:

Democratic Executive Committee Recommendation – Janet S. Russ, First Vice Chairman

Janet Sears Russ, First Vice Chairman, Democratic Executive Committee, reported that the Committee has recommended Merita Lewis Spencer to be appointed Hyde County Register of Deeds.

Mrs. Russ stated the Democratic Executive Committee wishes to acknowledge the many years of dedicated service rendered to the people of Hyde County by the previous Register of Deeds, The Honorable Lora Mooney-Byrd. The Committee wishes Mrs. Byrd a long and happy retirement.

Leechville Bridge Project – Shawn Mebane, P. E., Resident Engineer, NCDOT

Shawn Mebane, P. E., Resident Engineer, NCDOT, reported that US 264 will be closed to traffic due to overlaying the bridge deck at the Leechville Bridge over the Pungo River. US 264 will be closed to traffic beginning Tuesday, July 7 until Wednesday August 5. The road closing will be at the bridge site. Local traffic will have access up to each end of the project. No thru traffic of any type will be allowed after closing the road.

Mr. Mebane outlined that the detour route is principally along NC45 and NC99 US 264 for a total detour of 17 miles.

Mr. Mebane answered citizen's questions and recommended they follow the bridge project at the NCDOT (TIMS) website.

Ocracoke Airport Advisory Committee Update – George Chamberlin

George Chamberlin, Chairman, Ocracoke Airport Advisory Committee, reported on improvements at the Ocracoke Airport, both those already done and those planned. Mr. Chamberlin thanked the NCDOT Division of Aviation for their extraordinary efforts in support of the Ocracoke Airport improvements.

Hyde County Water Department Consumer Confidence Report (CCR) – Clint Berry

Clint Berry, Utilities Supervisor, reported on the 2008 Annual Drinking Water Quality Report. Hyde County drinking water is safe and meets federal and State requirements.

The Water Department wants to keep citizens informed about the water and services it provides. The complete Source Water Assessment Program (SWAP) Assessment report for Hyde County Water System may be viewed at: <http://www.deh.enr.state.nc.us/pws.swap>. Clint Berry can be contacted at: 252-926-4196.

Public Comments:

Chairman Davis called for comments from the public.

Carolyn Williford, President of The Greater Hyde County Chamber of Commerce, asked the Board to reconsider the Chamber request for \$30,000 funding in the FY2009-10 Budget; and announced that Mr. Paul Graham has been hired to fill the vacant Executive Director position.

Lou Armstrong, Ponzer, distributed and read a letter stating that "We can no longer sit idly by while an extremely small majority of citizens are striving to destroy an EMS Program that can become a model for other rural counties." Ms. Armstrong stated that every citizen and Board member should be willing to make compromises in order to offer better services to all citizens of our county. Ms. Armstrong credits recent improvements in the Hyde County EMS Program to the many years of service as paramedic to David Warren, Emergency Services Director.

Franklin Swindell, Engelhard, stated he disagrees with Ms. Armstrong. Mr. Swindell stated the new EMS station adds distance and longer response time. He does not want Engelhard EMT's moved, and wants an EMS station located in Engelhard.

George Chamberlin, Ocracoke, asked the Board to consider his formal proposal for the Ocracoke Sales & Use Tax.

Darlene Styron, Ocracoke, asked why the price of garbage bags has gone up.

There being no further public comment, Chairman Davis continued the meeting.

Solid Waste Fee Changes

County Manager Carl Classen presented solid waste fee changes that represented compromises by all involved. The major changes include:

- The Mainland fee would remain at \$20 but the Ocracoke fee would be \$30 since Ocracoke receives curbside collection twice weekly while the Mainland receives the same service only once weekly.
- Staff is recommending dropping the annual PAYT activation fee (\$20) and incorporating the fee into the PAYT monthly charge (increase from \$5 to \$6.50).
- Many small businesses would like the option of curbside collection and that option has been incorporated into the proposal so long as the businesses meet the same rules as residences. However, since business volume is typically higher than residential volume, the monthly fee would be higher.

- PAYT customers would receive curbside collection.

After discussion of comments received against PAYT, Commissioner Byrd moved to delete the PAYT option from solid waste collection. Ms. Spencer seconded the motion. The motion failed on the following vote: Ayes – Byrd and Spencer; Nays – Ballance, Swindell, and Chairman Davis; Absent or Not Voting – None.

After review and discussion, Commissioner Ballance moved to approve the Solid Waste Fee changes as presented by the County Manager. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Swindell, and Chairman Davis; Nays – Byrd and Spencer; Absent or Not Voting – None.

Ordinances and Resolutions:

FY2009-10 Budget Ordinance

After discussion, Commissioner Spencer moved to approve the FY2009-10 Budget Ordinance. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "FY2009-10 Budget Ordinance" is attached herewith as Exhibit A and incorporated herein by reference.

FY2009-10 Budget Resolution

Chairman Davis moved to approve a "Resolution Adopting FY2009-10 Budget Resolution." Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Resolution Adopting FY2009-10 Budget Resolution" is attached herewith as Exhibit B and incorporated herein by reference.

Franchise Ordinance – Solid Waste Collectors

As per the ARSWMA/County disposal agreement with Republic Industries, each member agency (all the counties and municipalities) agreed to adopt a solid waste collector franchise ordinance requiring solid waste collectors to take solid waste collected in the county/town to the landfill in Bertie County or to one of the Albemarle Regional Solid Waste Management Authority (ARSWMA) transfer stations (Stumpy Point, Maple, Edenton).

Adopting a franchise ordinance requires two approvals at regular meetings of the Commissioners (G.S. 153A-46). According to ARSWMA staff, both approvals need to occur prior to the deadline of September 1 for the affected agencies to receive the tipping fees reduction and CPA cap in 2009.

Chairman Davis moved to approve "ORD2009-06-03 – Hyde County Franchise Ordinance – Solid Waste Collectors" on the first reading and with suggested changes. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "ORD2009-06-03 – Hyde County Franchise Ordinance – Solid Waste Collectors" is attached herewith as Exhibit C and incorporated herein by reference.

Swan Quarter Dike Phase 12 – Soil & Water Conservation NC DENR Project Agreement No. 17A2

Kris Noble, Grants Technician, presented the proposed Project Agreement between Hyde County and the North Carolina Soil and Water Conservation Commission for reimbursable costs associated with the construction of Swan Quarter Watershed Phase XII. NC Soil and Water agrees to cost share at a level of 50% of eligible non-federal costs associated with the movement of utilities associated with Phase XII construction with a maximum amount of \$472,879.27 being offered in assistance. A detail of utility costs for Phase XII is detailed below:

Electric (Tideland EMC) work completed, inspected, and paid	= \$ 10,504.49
Water (Hyde Water) work completed, inspected, and paid	= 3,750.00
Sewer (Swan Quarter Sanitary District) completed inspected, paid	= 5,168.08
Phone (Embarq) work 90% complete and inspected unpaid	= 140,000.00
	<u>\$ 159,422.57</u>

Chairman Swindell moved to authorize the Chairman to execute "Swan Quarter Dike Phase 12 – Soil & Water Conservation NC DENR Project Agreement No. 17A2". Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Swan Quarter Dike Phase 12 – Soil & Water Conservation NC DENR Project Agreement No. 17A2" is attached herewith as Exhibit D and incorporated herein by reference.

Resolution of Appreciation – Earl O'Neal

Commissioner Spencer moved to approve "Resolution of Appreciation – Earl O'Neal" for the many years of service he has served on the Ocracoke Airport Advisory Committee. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Resolution of Appreciation – Earl O'Neal" is attached herewith as Exhibit E and incorporated herein by reference.

Appointments:

Mainland Occupancy Tax Board

Rosalyn Barnard, Mainland Occupancy Tax Board, has sent a letter of resignation to the Board. She wishes the Board success in its continued efforts of improvement in Hyde County.

Chairman Davis moved to excuse Commissioner Spencer due to conflict of interest. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Commissioner Spencer left the meeting.

Commissioner Swindell moved to appoint Mary S. Spencer, Fairfield, to serve on the Mainland Occupancy Tax Board. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Commissioner Spencer returned to the meeting.

Hyde County Board of Health

Chairman Davis moved to excuse Commissioner Ballance due to conflict of interest. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Commissioner Ballance left the meeting.

Commissioner Swindell, Commissioner representative to the Hyde County Board of Health, suggested that the following people be appointed to that Board:

- Ms. Tynia Harris, Engelhard, for a three-year term expiring on June 30, 2012. Ms. Harris will be replacing Mr. Troy Hodges, whose 3rd consecutive term expired in August 2008.
- Mr. Randy Hignite, Swan Quarter, for a three-year term expiring on June 30, 2012. Mr. Hignite will be replacing Ms. Mona Lou Hopkins, whose 3rd consecutive term expired in April 2008.
- Ms. Cheryl Ballance, Ocracoke, for an indefinite term filling the Ocracoke registered nurse position on the Board.

Commissioner Swindell moved to appoint Ms. Tynia Harris, Mr. Randy Hignite, and Ms. Cheryl Ballance to serve on the Hyde County Board of Health. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Ballance.

Commissioner Ballance returned to the meeting.

Ocracoke Airport Advisory Committee

Commissioner Ballance moved to appoint George Chamberlin as chairman and to appoint Dwight Burrus, Hatteras, and Dick Jacoby, Ocracoke, to serve on the Ocracoke Airport Advisory Committee. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Appoint Register of Deeds – Merita Lewis Spencer

Chairman Davis moved to excuse Commissioner Spencer due to conflict of interest. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Commissioner Spencer left the meeting.

Commissioner Swindell moved to appoint Merita Lewis Spencer to serve as Register of Deeds replacing Lora Mooney-Byrd. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

After recommendation from County Manager Carl Classen, Commissioner Swindell moved to pay Merita L. Spencer at the pay grade of Register of Deeds back to June 1. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Commissioner Spencer returned to the meeting.

Chairman Davis declared a five minute recess for swearing in of the newly-appointed Register of Deeds. Clerk of Court Sharon Sadler swore in Merita Lewis Spencer as Hyde County Register of Deeds.

Other Matters:

Budget Revisions and Transfers

County Manager Carl Classen reported to the Board that in accordance with the FY2008-09 Budget Ordinance several budget transfers were made administratively.

As stated at the first budget workshop, County Manager Carl Classen requested approval to allow the Finance Officer to close out the books on the current FY2008-09 budget.

FY2009-10 Budget

Commissioner Swindell moved that the County Manager is hereby authorized to make such amendments in the FY2008-09 budget, including the budget worksheets, budget resolution, and budget ordinance and other related documents, as are necessary to balance and close out accounts for the fiscal year. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

A. Budget Amendment – Health Department – Breast & Cervical Cancer Revenue

Health Director Wesley Smith has requested transfer of \$2,860.98 increasing the budget. Increase in funds from the Breast & Cervical Cancer Program Branch (federal money) for meeting 98% of projected case load for FY2008-09. These funds are being used to purchase equipment needed to improve the women's health clinic, which includes BCCCP program.

Equipment purchase includes laser printer, privacy screens, phlebotomy chair, etc. which will facilitate creating a second lab station for improved patient work up.

Commissioner Swindell moved to approve the Health Department budget transfer of \$2,860.98. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Surplus Property Disposition

A listing of surplus property that the Finance Office has coordinated among the various departments that the Department Heads recommend for disposal has been distributed to County departments for items they may want. However due to work on the budget, the resolution required under State law (G.S. 160A-280) for those items requested by eligible non-profit agencies was not prepared and posted, yet.

Commissioner Byrd moved to declare all items listed as surplus and to authorize the County Manager to post the listed surplus items on GovDeals auction site. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Stimulus Grant - Ocracoke Volunteer Fire Department

Commissioner Ballance and Emergency Service Director David Warren met with representatives of the Ocracoke Volunteer Fire Department (OVFD) over the weekend and it was learned that the OVFD is not an eligible applicant for a Stimulus grant to build the new fire station because the organization has a 501c(4) tax status and not the required 501c(3) status. The County may apply on behalf of the OVFD and act as the grant signatory and financial intermediary. The County offered this to the Chamber when they sought Golden Leaf funding for a visitor center and to the Ocracoke Fish House/Ocracoke Working Watermen's Association when the Ocracoke Foundation had not received its tax status at the time the application was due.

After discussion, Commissioner Spencer moved to approve submission of Stimulus grant application on behalf of the Ocracoke Volunteer Fire Department for construction of a new fire house and authorize the Chairman, County Manager, and other County officials to sign and execute such documents as may be necessary in support of this application. Commissioner Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

County Commissioners Reports:

Commissioner Ballance thanked Earl O'Neal for work done on the Ocracoke Airport Project.

Commissioner Swindell reported that he attended the Ponzer Volunteer Fire & Rescue Department fundraiser on Saturday, June 13. Mr. Swindell stated he appreciates and commends Ponzer citizens for their dedication to the Fire Department and their community.

Commissioner Spencer thanked County Manager Carl Classen, Finance Officer Jessica Gibbs, and Assistant Finance Officer Corrinne Gibbs for helping with her budget questions.

Commissioner Byrd congratulated Merita Spencer for her appointment as Register of Deeds.

Chairman Davis thanked Finance Officer Jessica Gibbs, County Manager Carl Classen, and the Board Members for their efforts at preparing the Revenue Neutral Tax Rate and adopting the FY2009-10 Budget.

No other Board or Committee reports were offered so Mr. Davis continued with the Agenda.

County Manager's Report:

County Manager Carl Classen reported that further State budget cuts give him concern; Child Support responsibilities will be managed by the County, effective July 2010; Department of Social Services (DSS) Director Gloria Spencer will research options for managing the Child Support case load (250 +/- cases); the County will lose some money for inmate care as will DSS, Mental Health, and the Board of Education.

Mr. Classen also reported the Mattamuskeet EMS Building Project is near completion with occupancy scheduled for next week; the County Building on Ocracoke Re-siding Project is essentially complete; Albemarle Mental Health no longer exists and East Carolina Behavioral Health will take over management of mental health services; ABC Board has restructured its financial management due to a loss in FY2008-09; and that the carpets and upholstery in the Public Safety Center have been professionally cleaned to make sure mold concerns are resolved.

Closed Session:

Commissioner Byrd moved to enter Closed Session in accordance with NCGS §143A-318.11(a)(6) to discuss personnel matters. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners entered closed session at 8:55 P.M.

Commissioner Byrd moved to return from Closed Session. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

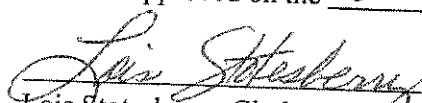
The Commissioners re-entered regular session at 9:40 P.M.

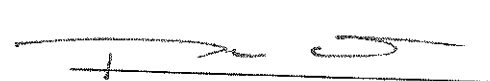
There being no further matters to come before the Commissioners, Mr. Swindell moved to adjourn the meeting. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The meeting adjourned at 9:42 PM.

Respectfully submitted:

Minutes approved on the 6th day of July, 2009.


Lois Stotesberry, Clerk - Hyde County Board of Commissioners


Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

- Exhibit A – "FY2009-10 Budget Ordinance"*
- Exhibit B – "Resolution Adopting FY2009-10 Budget Resolution"*
- Exhibit C – "ORD2009-06-03 – Hyde County Franchise Ordinance – Solid Waste Collectors"*
- Exhibit D – "Swan Quarter Dike Phase 12 – Soil & Water Conservation NC DENR Project Agreement No. 17A2"*
- Exhibit E – "Resolution of Appreciation – Earl O'Neal"*